

## REMARKS

In response to the Office Action dated August 4, 2008, Applicant respectfully requests reconsideration based on the above amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

The specification was objected to as not providing clear antecedent basis for "computer-readable medium" in claim 23. Claim 23 has been amended to recite "computer-readable storage medium" which is supported in paragraph [0023].

Claim 1 was objected to and has been amended to address the item raised by the Examiner.

Claims 1-18 were rejected under 35 U.S.C. § 112, second paragraph. Claim 1 has been amended to address the item raised by the Examiner.

Claims 1, 16-17 and 19-23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dobbins (800) (5,684,800) in view of IEEE Standard 802.1q (hereafter "IEEE 802") and Gonda (2003/0067928). This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia*, "searching a VLAN database for said VLAN; creating a VLAN if said searching does not result in locating said VLAN." The Examiner relies on Dobbins (800) for these features. Applicant submits that the "if-then" condition of these elements is not present in Dobbins 800. With respect to searching, the Examiner cites to column 7, lines 7-11, which describes a VLAN directory. Applicant acknowledges that Dobbins (800) teaches a VLAN directory of VLAN-IDs. What is lacking in Dobbins (800) is the feature that if the VLAN directory is searched and a VLAN is not located, then that VLAN is created. The Examiner cites to column 5, lines 6-27 as allegedly teaching this element. This section of Dobbins (800) relates to routing of packets based on source MAC address and destination MAC address, and determining the network protocol. This section of Dobbins (800) is not dependent on searching a VLAN database, nor is it related to VLAN IDs. This section of Dobbins (800) begins at column 4, line 1 and relates to Switching of Unicast Packet With Generic Call Processor and Switching of Protocol-Supported Broadcast Packets. This section is not related to VLANs at all. The discussion of VLANs begins in column 5, line 47, entitled Restricted Broadcast Groups For Non-Supported Broadcast, MultiCast and Unknown Unicast Packets. The VLANs in Dobbins (800) define the restricted groups. Thus, there is no interaction between the

“searching” and the “creating” cited by the Examiner.

Claim 1 further recites, “adding a new access port to an existing VLAN, if said searching results in locating the existing VLAN.” What is lacking in Dobbins (800) is the feature that if the VLAN directory is searched and a VLAN is located, then adding a new access port. Again, Dobbins (800) teaches a VLAN directory that maps access ports to VLAN-IDs. The Examiner cites to column 3, lines 3-4 that describes a table mapping ports to VLAN-IDs. This text does not state that a new access port is added when a VLAN is located in a VLAN database. It simply states that this table exists.

Claim 1 further recites, “adding said new access port to the existing VLAN, if there is at least one physical path.” Dobbins (800) does teach a discovery process where a switch discovers end systems and assigns VLAN-IDs to the end systems (Column 6, lines 3-12). What is lacking in Dobbins (800) is that this process is a result of searching a VLAN database for a VLAN, and locating a VLAN. The interrelation between the searching of claim 1 and the claimed creating a VLAN or adding a new access port to an existing VLAN is simply not taught in Dobbins (800) as alleged by the Examiner.

Claim 1 also states “determining a list of shortest paths with capacity for said new access port.” The Examiner notes that this feature is not taught in Dobbins (800) and relies on Gonda. Gonda teaches a method for supporting MAC circuits. The Examiner cites to paragraph [0036] of Gonda, which is directed to routing information through the network and has nothing to do with adding an access port to a VLAN as recited in claim 1. The Examiner also cites to paragraph [0053] of Gonda, which relates to protection modes and has nothing to do with adding an access port to a VLAN as recited in claim 1. Thus, it is not at all clear how Gonda teaches “determining a list of shortest paths with capacity for said new access port” as recited in claim 1. At best, Gonda is relevant to routing information in a network once the network is established. Gonda is irrelevant to adding an access port to a VLAN, which is where “the determining a list of shortest paths with capacity for said new access port” is used.

The Examiner relies on IEEE 802 for allegedly teaching “receiving a class of service.” Even if IEEE 802 teaches this feature, it does not cure the deficiencies of Dobbins (800) and Gonda discussed above.

Further, claim 1 recites “performing one of determining a lowest hub value, if there is

more than one path in the list of shortest paths.” This claim element is not addressed in the Office Action and is not found in any of Dobbins 800, IEEE 802 or Gonda. Thus, even if Dobbins 800, IEEE 802 and Gonda are combined, the elements of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over Dobbins (800) in view of IEEE 802 and Gonda. Claims 16 and 17 depend from claim 1 and are patentable over Dobbins (800) in view of IEEE 802 and Gonda for at least the reasons advanced with reference to claim 1. Claims 19 and 23 recite features not found in Dobbins (800) in view of IEEE 802 and Gonda for at least the reasons advanced with reference to claim 1. Claims 20-22 depend from claim 19 and are patentable over Dobbins (800) in view of IEEE 802 and Gonda for at least the reasons advanced with reference to claim 19.

Claims 2-3 and 14-15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dobbins (800) in view of IEEE 802, Gonda, Avargues (6104701) and Hsu (6363319). This rejection is traversed for the following reasons.

Avargues was relied upon for allegedly teaching “selecting a pre-selected number of said two or more access ports” and “least cost paths.” Avargues, however, fails to cure the deficiencies of Dobbins (800) in view of IEEE 802 and Gonda. Hsu was relied upon for allegedly teaching “selecting a longest length path from said list for said base path.” Hsu, however, fails to cure the deficiencies of Dobbins (800) in view of IEEE 802 and Gonda. Thus, even if Dobbins 800, IEEE 802, Gonda, Avargues and Hsu are combined, the elements of claim 2 do not result.

For at least the above reasons, claims 2, 14 and 15 are patentable over Dobbins (800) in view of IEEE 802 and Avargues. Claim 3 depends from claim 2 and is patentable over Dobbins (800) in view of IEEE 802, Gonda, Avargues, and Hsu for at least the reasons advanced with reference to claim 2.

Claims 4-7 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dobbins (800) in view of IEEE 802, Gonda, Avargues, Hsu and Westfall (6976087). This rejection is traversed for the following reasons.

Westfall was relied upon for allegedly teaching “deleting a least cost path from said list in response to said least cost path not having capacity,” but fails to cure the deficiencies of Dobbins 800, IEEE 802, Gonda, Avargues and Hsu discussed above with reference to claim 2.

Claims 4-7 variously depend from claim 2 and are patentable over Dobbins (800) in view of IEEE 802, Gonda, Avargues, Hsu and Westfall for at least the reasons advanced with reference to claim 2.

Claims 8-13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dobbins (800) in view of IEEE 802 and Gonda and Dobbins (772).

Dobbins (772) was relied upon as allegedly teaching "creating a list of one or more least cost paths from said access port to one of said switches located in said VLAN; selecting the shortest length path from said list for said new path, wherein if there is more than one shortest length path then selecting the one resulting in a lowest total hub value for the VLAN for said new path" but fails to cure the deficiencies of Dobbins 800, IEEE 802 and Gonda discussed above with reference to claim 1. Claims 8-13 variously depend from claim 1 and are patentable over Dobbins (800) in view of IEEE 802, Gonda and Dobbins (772) for at least the reasons advanced with reference to claim 1.

Claim 18 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dobbins (800) in view of IEEE 802, Gonda and Zabihi. Zabihi was relied upon as allegedly teaching a database having VLAN trunk fields, but fails to cure the deficiencies of Dobbins 800, IEEE 802 and Gonda discussed above with reference to claim 1. Claim 18 depends from claim 1 and is patentable over Dobbins (800) in view of IEEE 802, Gonda and Zabihi for at least the reasons advanced with reference to claim 1.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to  
Deposit Account 06-1130.

Respectfully submitted,

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